

**Marine Life Protection Act Initiative
Public Comments Submitted
through November 19, 2009**

From: Sue Sack
Sent: Monday, September 21, 2009 2:30 PM
To: lucky@suddenlink.net
Cc: MLPAComments
Subject: RE: MPA Workgroup Meeting
To the MPA oversight committee:

I looked at the web site Pat Higgins suggested and I am surprised that he could equate the "unique" New Zealand's Fiordlands as a good scientific model for MPAs for our Northern California coastline. Unlike this example we have very productive open waters with all our fisheries being very highly regulated, not unchecked as outlined in the New Zealand's Fiords Fishing Regulations. It also seems like the recreational fishers in the Fiordlands can use most of the MPAs but the commercials can't use any. This may be due to the fact that they are "unproductive waters" and/or maybe the recreational fishermen had more influence over the process to form the MPAs.

The sensitive fishing practices outlined on the web site are already being used by our hook and line fishers on our northern coastline, i.e. we are already "Guardians of our coasts". I would be happier if an area similar to Northern California's rock piles, with similar biomass production and fishing pressure (heavily regulated) were used as a scientific model.

As you may already be aware my husband is a small eco-friendly hook and line commercial fisherman in Shelter Cove and if he caught his annual quota of bottom fish (600 pounds every 2 months, when the season is open) it would probably be less than one recreational fisherman if that fisherman steadily fishes throughout the year. (as some of the young and old retirees do in our port). If closed areas are necessary they should be closed to all fishing if fishing impacts in the area are similar for both recreation and commercial. This would stop one group from imposing closures on another group just to gain more of the resource. A better solution would be to make them share the resource and keep it sustainable.

Thanks,
Sue Sack,

From: tom peters
Sent: Tuesday, September 29, 2009 4:56 PM
To: MLPAComments
Subject: North Central illegal action!

The recent appointment of Don Benninghoven to head the Fish and Game Commission casts more than doubt on the whole MLPA process. As Chair of the Blue Ribbon Task Force (NOT mentioned or created by the enabling legislation) for the North Central Region, he was responsible for the rejection of the Stakeholders' plan and the insertion of his own. Now as a member of the Fish and Game Commission, he casts the swing vote on HIS OWN PLAN. This is blatantly immoral, if not downright illegal. It frames the LIE that is the MLPA process. Stakeholder efforts are rendered worthless. He NEVER should have been allowed into the position of voting for his own plan, particularly when it only passed 3-2, making his vote the deciding factor. We on the North Coast are acutely aware of these type of shenanigans and will take any and all actions necessary to stop them.

We are extremely offended by Benninghoven's appointment and subsequent self-serving action. The very concept of the MLPA's is based on the assumption that the Fish and Game Department cannot do a reasonable job of managing our resources. The closures, seasons, and limits that we labor under now are, according to the MLPA process, insufficient and unable to accomplish necessary conservation goals. When there is absolutely NO evidence that any specie that might be protected under an MLPA closure is in any way threatened or overfished, this whole thing becomes an exercise in redundancy with no worthwhile purpose beyond spending money that the state does not have.

The issue of private funding for this process rings additional HUGE alarm bells. We protest the whole notion of 'privatizing' our natural resources. They DO NOT belong to any Foundation. They belong to the people of the State of California. Foundation funding is done with the expectation of producing MLPA reserves with varying severity of closures. That is NOT a goal or even a desire of the Fish and Game Department. It is lousy and lazy management funded by someone with their own agenda. The known ties of many of the Blue Ribbon Task Force members with big oil companies has to make us suspicious.

Count on this: the process will meet with heavy resistance on the North Coast. We are already regulated to the point that fishing opportunity is extremely limited. This would be another nail in the coffin for fishing and all the economic activity it supports. Save yourselves time, money, and effort and shelve this whole thing now. I know this is a really fun game for people to play, working in their warm offices, being paid regularly, and with absolutely no personal stake in the outcome (beyond maybe trying to 'win' the game they're playing). We do not get paid for our efforts and thoroughly resent having to waste our time trying to defend what little fishing opportunity we have left.

We ask that you at least put this whole process on 'hold' until the economy allows real science and real economics to be considered. We also ask that you be forced to demonstrate a real NEED for closures and Reserves of any kind BEFORE proceeding.

I'm angry about this whole process, as a fisherman, as a taxpayer, and as a real conservationist who wants real management for our fisheries resources instead of 'lock up' games.

Tom Peters
Eureka, CA 95501

And don't just say,
"Well, you'll just have to get involved in the Stakeholder process (as if it mattered for the poor stakeholders in North-Central) because I already am. What a beautiful WASTE of my valuable time. Please send my paycheck to the above address. I'll be waiting with 'baited breath'.

From: tom peters
Sent: Tuesday, September 29, 2009 4:56 PM
To: MLPAComments
Subject: waste of our time

You are wasting our time and our money with this ridiculous scheme. There is no proven or even suggested resource crisis or need on the North Coast that would require such a draconian solution as to lock it all up in MPA zones. Df&G management has done a good job of regulating use and harvest levels. The additional requirements you would put on DF&G are unaffordable and only detract from their primary mission by diluting their resources. Here I reference the letter from the Wardens Association asking you to at least wait awhile until they can find funding for enforcement. They don't even have a fraction of what they need now!

The actions of Mr. Benninghoven sitting as chair of the NorthCentral Blue Ribbon Task Force which summarily rejected the stakeholder developed plan in favor of his own before being suspiciously appointed to head the F & G commission and voting on HIS OWN PLAN (a 3-2 tie breaker, at that), are certainly unethical and possibly illegal. If this is the way the MLPA process is run, it is time to shut it down at least until the need can be demonstrated.

This is JUNK government powered by the hidden agendas of the Packard Foundation. By funding this process, the Foundation is taking over management of our public resources. When the Foundation claims to have no agenda, they're blowing smoke. Simply funding the Process clearly suggests they expect an outcome that includes closed areas where ever they can get them. This is possibly illegal but, again, almost certainly unethical. I'm sure you all have paid jobs (wasting our scarce money, no doubt) and, for that reason alone, want to see this bogus process go forward. Well, that is not enough reason to foist this unnecessary boondoggle on our area. We already have closures all over the place. We have a closed zone at Cape Mendocino. We have closures outside of 120' depth of water. We have season closures from September to mid-May. We have weather that keeps us in port at least half the time during openings. There is little more for us to give. But you demand more, for no other apparent reason except that the 'Process' demands it. I sure wish you'd think about what you're doing because you're killing us.

(not very) Respectfully
Thomas H. Peters

From: Gail Popham

Sent: Wednesday, September 30, 2009 6:12 PM

To: MLPAComments

Cc: gail at work

Subject: Support for MLPA

I am a fisheries/wildlife biologist (I work for Caltrans in Eureka, Humboldt County). I have been increasingly disturbed by the decline of our coastal marine species. Salmon restoration has been an ongoing large-scale effort, but now even non-fishery species like the longfin smelt, the Pacific lamprey and the eulachon are in peril. With the threat of global warming adding yet another potential stressor to the numerous already impaired coastal ecosystems, the MLPA is a much-needed lifeline. I hope it is not "derailed" by self-seeking special interests...and I hope it is not too little, too late.

The people of California need to extend protection to the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems. We need to expand conservation and protection of marine life populations, including those of economic value, and rebuild those that are depleted.

We should strive to improve educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.

We need to extend protection of sensitive coastal marine natural heritage habitats and protect representative and unique marine life habitats in CA waters for their intrinsic values and protect them from extractive exploitation.

Sincerely,

Gail Popham
Associate Environmental Planner, Natural Science
Environmental Management, E-1
California Department of Transportation

From: Michael Shubert

Sent: Thursday, October 08, 2009 4:10 PM

To: MLPAComments

Subject: Cove fishing

Just my humble observation, One of the things I was thinking of is a compromise. They tell the commercial sport fishing, which the density impact is 20 times greater than what we as local family fisherman are, to not come closer than a mile or two to the shore, also barb less hooks and seasonal fishing all has worked extremely well in Oregon.

Also over the last month I have been down to the beach every morning counting. Only on two Saturday's has there been more than 8 fishermen fishing for as far as the eye can see. On the other days there has been 1 to 2 at the most mostly none. Where is the impact on the environment??? The only major impact honestly is from the commercial sport fishing boats.

On the education of marine life my son learned in these waters. His passion grew from this area. He became one of the youngest dive master at 17 years old, all getting his passion of the sea from here. He also learned conservation and what it takes to care for the ocean.

He is testament to why this place needs to stay as it always has. Like my son and I state, reduce the commercial sport fishing in dume/paradise cove. But leave the family style fishing alone.

Sincerely,

Michael Shubert
President

From: Moose Holcomb
Sent: Sunday, October 11, 2009 3:09 PM
To: MLPAComments
Subject: M.L.P.A. goals, science and cause/effects
To all B.R.F.T. members and the public:

I believe the MLPA in question needs further work before the stated goals, biodiversity, and increased biomass can be achieved.
...these, in my opinion, were the intent of the law, as voted on by the legislature and supported by the public.

Science based management of our marine ecosystem has never been challenged on merit or effectiveness until now.

The MLPA law implies problems exist that are specifically identified, and requires a disconnect of people and the ocean for implementation--that is unjustified.

Existing MPA's, here in the Fort Bragg area of Northern California, have proven a LOSS of biodiversity resulting from these closures, not a gain (from their introduction) here, and proof is documented. DO YOU CARE? These MPA areas can be compared to areas of central California, some that have been protected for 60 years or more (i.e. Monterey-Lovers point, Point lobos, Carmel meadows, Avila Beach, Moro Bay...both south and north of the center of sea otter territory (exact lat/long available W/support doc. at your request). Well documented baseline studies by MANY, very well respected marine biologists prove a dramatic difference in "before and after" areas otters entered. I have witnessed this personally, as both a sport diver in Monterey, 1961- 1965, and as a commercial Abalone (12 years, Farallon Islands, Channel islands/Point Conception, etc.) and commercial Sea Urchin diver, (1974 to the present, 17,000 + hours of "practical" experience, underwater). I do not believe marine mammals can be blamed for the obvious lack of facts and distorted information the public is viewing, or is aware of. There is Irrefutable documentation of the destructive effect of overpopulations and resource loss as a direct result. Population control of Marine Mammals must be considered in any credible plan of management or these resources they depend on, as well as our critical food resources will be destroyed, as they have been in our central coast.

You, in my opinion, can share the science and FACTS that exist on this subject today, WITHOUT any criticism from anyone! Please consider the consequences of "Limited information" when informing the public of these facts when making your final reports... AS YOU FIND THEM!

Please EARN our TRUST, not in name...but in DEED! Special interest groups do NOT want light on this subject, as they have called sea otters "little people"...and count on the public ignorance of facts (when asking for donations -i.e. Friends of the Sea Otter)...while they knowingly ignore the destruction of vast shellfish food resources and the consequences of population explosions and resulting starvation as a direct result of their actions. In my opinion, people and their involvement in our fisheries are proven sources of knowledge, science and food supplies THAT MUST BE MANAGED! Animals eat without limits in sizes, a concept for any future, or the ability to improve their own future....it's up to us to stay involved!

MPA studies from other parts of the world, included to justify the M.L.P.A. in California, are NOT RELATIVE without the inclusion of Marine Mammals and their impact areas. Biomass projections are totally irrelevant when marine mammals in

current population dynamics are factored in! Whether you are a supporter of current management or not, I am, and these animals MUST BE INCLUDED in "cause and effect" They are NOT MENTIONED in the law! Because the Federal government has passed laws concerning the protection of these animals, some say the issue is irrelevant. NOTHING could be further from the truth! Shellfish populations, or the lack of same along three hundred miles of our Central California coast is the proof! My point is not to vilify animals, but to include the actions and results of human emotions when manipulated propaganda about animals and their "needs" help create these meritless laws. Be responsible enough to demand their inclusion and effects, PLEASE!

My time, boat and effort is AT YOUR DISPOSAL to take you there, to our North coast existing MPA's, if time is of importance...I will support your divers/video/methodology as you wish, or dive for you, but sincerity and honesty are the goals I share with you, and results are yours to judge.

We fishermen, divers and environmentally aware north coast residence ask to work with you to accomplish any reasonable goal you can put to problems that TRULY exist, but I haven't been able to find one person who can fix a problem that doesn't exist!

Please help JUSTIFY the existence of this law, or help change it so it will work for the people of the UNITED STATES...as the LOSS of food and jobs here and all over the country is of grave concern, and dependence upon others in the world for OUR food resources is a predictable result of this law!

I am not a pessimist, no fisherman can be...we only want ALL the facts and science ON THE TABLE!

Most Sincerely,
Jon Holcomb

From: Steve Rebuck

Sent: Monday, October 19, 2009 10:21 AM

To: 'Moose Holcomb'; 'jim martin'; 'Steve Canterbury'; 'Tom Trumper'; 'chris voss'; 'Mike and Susy Kitahara'; 'Michael Harrington'; 'Robert Duncan'; 'Buzz Owen'; 'frank hartzell'; absforman@sbcglobal.net; 'eric owens'

Cc: Melissa Miller-Henson; MLPA_SCRSG@lists.resources.ca.gov; Mike Chrisman; absforman@sbcglobal.net

Subject: Diablo Canyon Baseline Studies

The following are excerpts from baseline studies for the Diablo Canyon Nuclear Power Plant at Pt. Buchon, San Luis Obispo, County, California:

Page 550 "Commercial Giant Red Sea Urchin Fishery Survey

The objective of this study was to establish a baseline of information on the local commercial fishery for giant red sea urchins, Strongylocentrotus franciscanus. The data was to be used to assess the impact, if any, upon the fishery by the power plant.

Methods

Commercial sea urchin divers were interviewed at the dock whenever possible. Most interviews were conducted at Port San Luis in Avila Beach. Data recorded included total pounds landed, number of diving hours, and location and depth of catch. When time permitted, we also weighed a sample of 50 urchins in order to determine the average weight (Table 131). Total landings for the area between Morro Bay and Shell Beach were obtained from the Department's biostatistical section in Long Beach (L. Pinkas, DFG, pers. commun.) (Table 132).

Results

We conducted interviews with divers from 64 boats from July 1973 through October 1974 (Table 131). These divers averaged 287 kg. of giant red sea urchins per hour (478 urchins) during this period. The catch varied from 202.5 kg to 399.0 kg per hour (39 to 700 urchins).

This fishery began in this area in 1972 and the last landing were made in 1975 (Table 132). The largest landings were made in 1974.

Discussion

The fishery for giant red sea urchins, S.f., began relatively recently with the recognition of a demand by foreign markets for red urchin roe. The fishery originated in southern California but spread to central California when commercial abalone divers, faced with dwindling red abalone populations, attempted to make livings by harvesting sea urchins. Although limited in geographic extent, the area between Point San Luis and Diablo Canyon was prime for a sea urchin fishery; the red sea urchin was the dominant benthic macro-invertebrate, often approaching average mean density of 10-m² (Figure 102). Beginning tentatively in 1972, the fishery was, however, short-lived.

The termination of the sea urchin fishery in 1975 was due to two factors; the southerly movement of foraging sea otters into the prime sea urchin beds around Pecho Rock and conflicts between the urchin processors and the divers. All of the local catch of sea urchins were processed in Santa Barbara. This resulted in price disputes between the divers and processors.

Commercial Red Abalone Fishery Survey

The objective of this study was to establish a baseline of data on the local commercial red abalone, Haliotis rufescens, fishery. The baseline was to be used to later assess any influence of the operating power plant on the fishery.

Methods

Commercial abalone divers were interviewed at the dock whenever possible; most interviews were conducted in Morro Bay. Data recorded included numbers and total pounds landed, number of diving hours, location and depth of catch, and when time permitted, the abalone were weighed and measured to determine average weight and shell length. Total landings for the area between Morro Bay and Shell Beach were obtained from the Department's biostatistical section in Long Beach (L. Pinkas, DFG, pers. commun.).

Results

From October 1973 through July 1975, we interviewed commercial abalone divers from a total of 41 boats. The average number of red abalone collected by these diver per hour was 9.6 (Table 129). Commercial landings for the area between Morro Bay and Avila ranged from a high of 331,550 kg (730,947 lbs) in 1964 to a low of 2,625 kg (5,787 lbs) in 1977 (Table 130). The landings declined sharply after the arrival of the sea otter in the Point Buchon area in 1973. Most of the commercial diving effort was conducted south of Diablo Cove in the Pecho Rock area between 1973 and 1977; however, we did observe an occasional abalone diving boats in Diablo Cove in 1973 and 1974.

We have not observed commercial abalone divers in the area between Point Buchon and Avila Beach since 1977.

Discussion

There is little doubt that the movement of foraging sea otters into the sea south of Pt. Buchon in 1973 and the further movement of these animals south to Avila Beach in 1974, 1975, 1977, and 1978 was the cause of the decline and eventual elimination of the commercial abalone fishery.

Historically, Morro Bay served as the locus for the central California abalone industry with primary abalone bed located between Cape San Martin and Point Estero. These beds had been harvested continually since 1929 on an approximate sustained yield basis and produced an average of well over one million pounds per year until 1968. (Cox 1962, L. Pinkas, DFG, Biostatistical Section, Long Beach, pers. commun.). Beginning in 1968, abalone landings at Morro Bay began severe decline that was associated with the expansion, in the mid-60's, of the sea otter into these long productive abalone beds. With the abandonment of abalone areas north of Morro Bay, commercial divers began to turn their attention to Point Buchon-Point San Luis area to the south. This area was previously considered inferior, in terms of abalone production, but served as a damper in what proved to be the terminal years of the central California abalone fishery."

Source: Gotshall, Daniel W., Laurence L. Laurent, Sandra L. Owen, John Grant and Phillip Law, 1984, A quantitative Ecological Study of Selected Nearshore Marine Plants and Animals at the Diablo Canyon Power Plant site: A Pre-Operational Baseline, Resources Agency, California Department of Fish and Game, Marine Resources Technical Report No. 48, 726 pp, excerpt pages 550-553.

Notes:

- 1) there is no indication of overfishing by commercial fishermen;
- 2) fishing at Pt. Buchon contradicts the theory of "Serial Depletion" promoted by some researchers (Kon Karpov, Peter Haaker (DFG) and Gary Davis (NPS). Although Pt. Buchon was closest to Port San Luis and Morro Bay, it was fished last. Red abalone from Pt. Buchon had dark meat (aka "Golden") and were less desirable.
- 3) This report (and others) documents the "sustainability of the commercial red abalone fishery over many decades.

Steven I. Rebuck



Smith River Rancheria

140 Rowdy Creek Rd, Smith River, CA 95567-9525
Ph: (707) 487-9255 Fax: (707) 487-0930

Kara Brundin
Miller
Chairperson

Denise Padgett
Vice Chairperson

Sharyne R. Harper
Council Secretary

Joel Bravo
Treasurer

Marian Lopez
Council Member

Loren Bommelyn
Council Member

Joseph Giovannetti
Council Member

Russ Crabtree
Tribal
Administrator

October 22, 2009

Mr. Ken Wiseman, Executive Director
MLPA Initiative
C/o California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: North Coast Marine Life Protection Area Schedule


Dear Mr. Wiseman:

Dv-la-a-ha, the North Coast Marine Life Protection Act Initiative (MLPAI) meeting of September 29 and 30, 2009 in Fort Bragg, Eureka and Crescent City showed that efforts to communicate are tedious at best. Information communicated for the first time in the slide presentation set unrealistic deadlines for such a monumental and far-reaching initiative such as the MLPAI. Embedding important deadlines that Tribes and communities must meet in a slide show at a public meeting with no formal letters or engagement is inexcusable. The North Coast MLPA process may eliminate tribal traditional harvest of the marine resources, not to mention treading on the inalienable ancestral rights of the Tribes to access and use the traditional coastal marine areas.

However, due to the cumulative impacts to tribal cultural rights, which have existed since time immemorial, there must be time allocated for government-to-government consultation with tribes. Meaningful consultations cannot take place when compressed deadlines are set without official notification or ample time allowed for all concerned to participate.

For the above stated reasons, the Smith River Rancheria respectfully requests MLPAI deadlines to be realistic, reasonably and adjusted to allow all stakeholders the opportunity for full participation. We will be looking forward to your response.

If there are any questions, please contact Mr. Russ Crabtree, Tribal Administrator at 707 487-9255, ext 3220.

Sincerely,

Kara Brundin Miller
Tribal Chair
Smith River Rancheria

C: Legal Counsel, Ann Kimber

Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-ni
Our Heritage Is Why We Are Strong



BOARD OF SUPERVISORS

COUNTY OF HUMBOLDT

825 5TH STREET

EUREKA, CALIFORNIA 95501-1153 PHONE (707) 476-2390 FAX (707) 445-7299

October 20, 2009

Mike Chrisman, Secretary
California Department of Resources
1416 9th Street, #1311
Sacramento, CA 95814

Dear Secretary Chrisman:

The recent Marine Life Protection Act (MLPA) meetings in Eureka were extremely well attended. Commercial and sport fishermen, divers, surfers and environmental interests were all present, and have all shown a keen interest in this process. While these parties may have differing, or even opposing, concerns, they all deserve to know that their input and involvement will be meaningful, and will help to ensure an end-product that is guided by science and data. It is critical that the MLPA Initiative make every effort to earn the trust and confidence of all sectors of the effected local community. This requires time.

It is our understanding that the initial Marine Protected Area stakeholder arrays would have to be submitted by December 15th. Much of the pertinent data needed to inform these preliminary arrays is not yet available, and may not be available until January. Proceeding without this information would only result in a less scientifically-justifiable MPA network. Thus, we believe that this timeline as presented is unreasonable and is counter-productive to the goals that we have described, and that we trust you share.

As you are aware, Humboldt County is a leader of record in fisheries, water and agriculture protection. Our county has several important Coastal Tribes, as well as a large commercial and recreational fishing constituency. It would be difficult, if not impossible to convene these and other interested groups to generate any scientifically valid alternative in your described timeline. Further, assembling the various stakeholders in Mendocino and Del Norte Counties in that short period would be an incomprehensible task.

Accordingly, we respectfully request that the present timeline for "Stakeholder Marine Protected Areas" be extended to March 15, 2010 or later. It is our belief that March would be the minimum time necessary for such a complicated task.

RECEIVED BY
Office of the Secretary

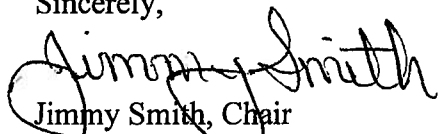
OCT 26 2009

RESOURCES AGENCY OF CALIFORNIA

It is our hope that the North Coast MLPA process will prove to be a model of transparency and cooperation, engaging the varied interests in a collaborative effort to arrive at appropriate, workable and science-based protections that are in the best interest of all parties. Extending the timeframe is critical for achieving this goal.

Thank you in advance for considering this essential Humboldt County request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Smith". The signature is fluid and cursive, with the first name "Jimmy" and last name "Smith" clearly distinguishable.

Jimmy Smith, Chair
Humboldt County Board of Supervisor

JS:nlh

Cc: Senator Patricia Wiggins
Assemblyman Wesley Chesbro
California Fish & Game Commission
Del Norte County Board of Supervisors
Mendocino County Board of Supervisors
Humboldt Bay Harbor Recreation and Conservation District
Wiyot Tribe
Yurok Tribe
Trinidad Rancheria
✓ Mr. Ken Wiseman



POTTER VALLEY TRIBE



2251 S. State St. • Ukiah, California 95482

(707) 462-1213 • Fax (707) 462-1240 • E-mail: pottervalleytribe@pottervalleytribe.com

Chairperson

Salvador Rosales

Secretary

Rosemary Rosales

Treasurer

Losario Rosales

Member-At-Large & Appointed Spokesperson

Norma Rosales

Ken Wiseman, Executive Director
Marin Life Protection Act Initiative
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

October 20, 2009

Dear Mr. Wiseman:

This letter is in regards to the Marine Life Protection Act and the possible loss of fishing, gathering, and seasonal camping rights for the Potter Valley Tribe and its members. We fully understand that our ocean and the marine life along the Mendocino County coastline need to be protected from pollution and overharvesting. As a means of protecting the rights of all Native American Tribal members in Mendocino County we strongly oppose the establishment of any marine life reserve along the Mendocino County coastline until we can assess its impacts on our Tribe. We would ask that the department confer with the Potter Valley Tribe before designating marine life reserves within Mendocino County.

If such a reserve is proposed along the Mendocino County coastline the Potter Valley Tribe as a Sovereign Nation requests specific exemptions within our ancestral lands (the entire coastline of Mendocino County) for dance, traditional food gathering, and religious purposes. We also would like your agency to consider working as partners with Mendocino County Tribes in managing the resources of the coastline of Mendocino County.

I would also like to request that a Potter Valley Tribal member or a member from a Mendocino County Tribe be placed on the Blue Ribbon Task Force to advise this Task Force with issues that concern Mendocino County Tribes.

Thank you,

Salvador Rosales
Tribal Chairman

RECEIVED BY
Office of the Secretary

OCT 26 2009

RESOURCES AGENCY OF CALIFORNIA

From: Sue Sack
Sent: Fri 10/30/2009 6:18 PM
To: Melissa Miller-Henson
Cc: MLPAComments
Subject: {Spam?} Re: [MLPA Initiative] Request for nominations to the NCRSG
Hi:

I can't believe that even the regional stakeholders are CHOSEN by you, using your criteria. It seems to me that ALL the stake holders representatives should have the opportunity to influence the initiative. How can this happen if they are not allowed to be part of the NCRSG. I believe that they are being silenced by you to achieve full implementation of this corrupt decision making process. It will be interesting to see who gets appointed to the group to represent such a wide variety of stakeholders.

I noted that the SAT team was CHOSEN (cherry picked) and is almost entirely made up of employees of the state or the federal gov. How balanced is that? **Where is the LOCAL private sector knowledge in this process? For example, experienced fishermen may have a better idea as to how the ocean ecosystem functions as a whole than some scientists do as scientists sometimes limit themselves to one aspect of study. Please accept this as public comment regarding my objection to the process and narrow criteria used for selecting who should sit on the stakeholder and SAT teams for implementing the MLPAL.**

Thank you for time,

Sue Sack
Shelter Cove, CA

Elk Valley Rancheria, California



2332 Howland Hill Road
Crescent City, CA 95531

Phone: 707.464.4680
Fax: 707.465.2638
rancheria@elk-valley.com

October 30, 2009

Northcoast Science Advisory Team
Marine Life Protection Act Initiative
C/O California Natural Resources Agency
1416 Ninth Street
Sacramento CA 95814

BY HAND

**Re: Position of Elk Valley Rancheria, California on indigenous knowledge in the
MLPA science process**

Dear Science Committee Members:

Elk Valley Rancheria, California ("Tribe") is a federally recognized Tribe in Del Norte County. Since time immemorial the Tribe has managed its coastal, estuarine, riverine and marine resources in a manner that is sustainable; is concerned with the health of entire ecosystems rather than individual components; and has been highly successful over several millennia. The Tribe believes that the Scientific Advisory Team must examine and consider indigenous knowledge of and approaches to, ecosystems management and stewardship as part of its discourse. Further, that knowledge should be recognized and incorporated into the Science Advisory Team's guidelines.

The Tribe maintains that indigenous people have a unique insight into the ecosystems that we have maintained, and enjoyed a relationship with, unbroken over millennia. Indeed, the Tribe considers that, given our unbroken stewardship of the environment throughout the Northcoast, indigenous people are an integral part of our coastal, estuarine, riverine and marine ecosystems and are vital to the health of those systems. As such, protection of those ecosystems must recognize and include the protection of indigenous people and our stewardship practices.

RECEIVED BY
Office of the Secretary

NOV 02 2009

RESOURCES AGENCY OF CALIFORNIA

Sincerely,

Dale A. Miller
Chairman



From: tom peters
Sent: Thu 11/5/2009 7:37 AM
To: MLPAComments
Subject: various MLPA comments.

First, my previous comments about Mr. Benninghoven are not meant to reflect on his character. They do, however, reflect on the process that allows him to recommend a North-Central Plan to the Commission and then places him in the position of being the tie-breaking vote on the commission on his own plan. However nice a guy he might be, that is not right!!!

Comments on the workshop of 9/29/09

The presentations were excessively wordy and produced a pronounced glazed-over look among the audience. Jargon and acronyms were used to the point where much of what was said was almost completely beyond mortal understanding.

At one point Melissa was asked simply how the members of the BRTF were chosen. She rambled for 5 minutes (of a VERY limited question period) about what the BRTF does and how they pick a plan, etc. but NEVER simply answered the question. She managed to do this for several other questions, leaving people very dissatisfied with her answers.

The 'science guidelines' consisted of a series of instructions about how 'external proposals' must be structured, what size they must be, and what shape they must be. Nothing was said about how they benefited anyone or anything.

General comments and questions

Is there any actual demonstrated NEED for MPAs on the North Coast? To my knowledge there are no instances of overfishing in State waters in the region. There is no resource crisis. Why, then, does this not become simply an exercise in 'process' with little regard to actual benefit received or achieved?

MPAs are needed when "various human activities threaten the health of marine habitat and biological diversity". The only examples of such threats on the North Coast come almost exclusively from onshore activities (pollution from mills, for example) or from proposals for development (wave energy buoys, for example). The MPA process does absolutely NOTHING to control any of these threatening activities. It appears to be yet another example of the solution having nothing to do with the problem.

Question: Why did the BRTF in the North-Central region throw out the Stakeholder developed plan in favor of its own plan? What happened to 'stakeholder driven'? It raises the question of credibility when I'm told public input matters.

If MPAs are to be at least 3 miles of shoreline long and as much as 6 or 7 miles long and if they are to be between 30 and 60 miles apart (roughly), then the best case would lock up 5% of our coast and the worst case would lock up over 20%. When I was young, I would talk with old-timers who would tell me about the wonderful Cutthroat fishing in some creek, or the great surf fishing on some beach, or the great rock cod fishing on a particular rocky point. But then they'd say, "But that's all closed now". There is nothing I hate hearing more than that phrase. Please explain why this is not just another case of, "But that's all closed now"?

I believe this whole process is corrupted by the presence of private money driving the process. The Resources Legacy Fund Foundation put up their money to create MPAs. That is their agenda. They did not do it for any other reason. That means that MPAs MUST BE CREATED or they'll take their money and go home. Even if it's an unnecessary process. Even if it's a bad idea. And even if we overwhelmingly DO NOT WANT THEM. If it was State money, we'd have a lot more say so in the result.

I did not wait for the presentation on MarineMap. Hopefully I'll find out more about it soon. By that point I was so saturated with bureaucratic double-speak, I could take no more. In this context, the only use was to help create CLOSURES. It would allow us to wiggle them around so they fit the size and shape requirements (forget what's underneath). It's a cute tool but the only use you recommend is to figure how much we'll lose and where. Hard to be enthusiastic about that, wouldn't you say?

The sad part is that these sincere young women who did the presentation actually believe that they are selling something useful. In my experience, anything that needs that much selling, such an intense marketing effort, is probably seriously flawed in the first place and unable to sell itself on its own merits.

Yes, I'll have more to say in the future. Tomorrow night 9/30/09 there is a COMPETING workshop in Eureka regarding the State Water Board's secretive cleanup plan for the Balloon Tract, a large, polluted former railyard on the Eureka waterfront. It is in direct conflict with your question session for the large number of people from Eureka who would be involved with your process. It is important because a proper cleanup on the Balloon Tract will actually DO SOMETHING to help clean up the bay and its marine environment. Perhaps you would give us an opportunity at another time to directly question you about your highly questionable process?

I know the staff is employed by the Process and is happily making a living at it. Please be mindful that the rest of us are not! You have neat little charts of public participation, meetings, committees, and commissions, all of which require immense amounts of time if done right. Few of us have that kind of time and even fewer of those that do are qualified to knowledgeably participate. You are asking a HUGE commitment from your participants with little or no reward. I got the feeling at tonight's meeting that you intended to simply wear us down. Fewer and fewer people will be able to donate the kind of time needed. I do not believe you have any real perception of just how large a chunk of real people's lives you are asking them to sacrifice to satisfy this exercise on futility. And now we get back to whether there is any real justification, need, or meaningful purpose for this whole thing. Funny how that ties together, isn't it?

Tom Peters

From: tom peters
Sent: Thursday, November 05, 2009 7:37 AM
To: MLPAComments
Subject: Illegal MLPA process

You are asking the public to nominate people whose job it will be to identify a totally unnecessary useless series of closure areas. There is NO management need for these closed areas. There is NO fisheries need for these closed areas. The only possible function is to gratify the needs of several environmental foundations for their fundraising efforts. You are wasting countless hours of work, both your own and the public's. The series of events that lead to the appointment of Mr. Benninghoven to the Fish and Game Commission followed by his tie-breaking vote on his own Blue Ribbon Task Force plan for North-Central, overriding the preferred stakeholders' plan, is clearly unethical if not downright illegal. The North region process should be halted. There is NO need for it. The North-Central plan should be thoroughly investigated for wrongdoing.

Tom Peters

From: Karen Brooks
Sent: Tuesday, November 17, 2009 12:01 PM
To: MLPA Office
Subject: North Coast Blue Ribbon Task Members

Dear Melissa

I object to the people chosen to be the Blue Ribbon Task Force members for our north coast study region. Jimmy Smith is the only qualified person to speak regarding the issues, concerns, and needs of the north coast fishing industry. Those other people are politicians and corporate out-of-the area special interests that are not stakeholders, knowledgeable about fishing, and/or understand the industry in our area.

Right now our fishing industry is barely making it thanks in large part to regulations. Our area doesn't have much in the way of industries to begin with. To appoint members to a committee who are not stakeholders or mutually respected leaders within the fishing community is unacceptable.

I want to know why the other members were chosen, besides Mr. Smith, and what they will be paid for their services? Additionally why can't the residents of a study group be selected to the BRTF?

I strongly object and request that other members be appointed to our region, from our region. This is our process, you can select people that we nominate from our region, but we pick the nominees.

Karen Brooks
Resident and Concerned Citizen

Elk Valley Rancheria, California



2332 Howland Hill Road
Crescent City, CA 95531

Phone: 707.464.4680

Fax: 707.465.2638

www.elk-valley.com

November 18, 2009

MLPA Blue Ribbon Task Force
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

BY EMAIL

Dear Task Force Members:

Re: Protection of Customary Rights

Elk Valley Rancheria, California ("Tribe") is a federally recognized Tribe in Del Norte County. The Tribe encourages the Blue Ribbon Task Force to consider the impact of Marine Protected Areas ("MPA") on the customary gathering and use rights of Northcoast Tribes.

Since time immemorial Tribes have responsibly managed their marine and coastal resources. In earlier comment to the Science Advisory Team, the Tribe advocated both that indigenous people of the Northcoast are an inherent part of the ecosystems that MPAs seek to protect and that indigenous approaches to the management of those areas are critical to their long-term viability. As such, protection of Tribe's customary rights is critical to the continued exercise of sustainable and responsible stewardship of coastal resources by Tribes for the benefit of all Californians.

Sincerely,

Dale A. Miller
Chairman



Patrick Higgins
4649 Aster Road
McKinleyville, California 95519
(707) 822-9428

November 18, 2009

Ms. Cindy Gustafson, Chair
Marine Life Protection Act Blue Ribbon Task Force
C/O California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: North Coast Region Governmental and Tribal Concerns with Blue Ribbon Task Force and Marine Life Protection Act Implementation

Dear Ms. Gustafson,

Although I am a Humboldt Bay Harbor, Recreation and Conservation District Commissioner, I make my living as a consulting fisheries and watershed scientist. I was instrumental in the formation of a sub-committee dealing with Marine Life Protection Act (MLPA) issues and we are currently beginning work on production of an external Marine Protected Area array and look forward to working with you constructively. However, I felt it would be useful for me to inform you of reservations governments and tribes have regarding the MLPA Initiative on the North Coast. I am providing copies of a letter that went from 15 governments and tribes to Secretary Crisman and it clearly states our concerns, many of which have not been allayed.

Science Advisory Team Model Has Major Flaws

Designation of MPAs is based on sea floor topographic data under the assumption that there are known biological associations with rocky points, pinnacles and other recognizable features can lead to substantial problems with meeting intended conservation benefits. Specifically, there are no data on larval drift, where rockfish spawn and where juvenile rookeries are located. Assumptions on larval drift and juvenile recruitment have no basis. **Residents, governments and tribes of the North Coast Region are concerned that a conservation strategy lacking key biological data does not provide sufficient basis for selecting locations of MPAs.**

Dr. Ray Hilborn has also pointed out the MLPA SAT has been unduly biased towards numerous small conservation areas, whereas benefits from larger areas is likely to be accrued. **Unlike areas of much of the California coast, we may have the ability to locate substantially larger MPAs here that are both less economically constraining and more likely to serve the intended purpose of protecting biodiversity.** It would be most unfortunate if the BRTF and MLPAI were to force us to submit to MPA locations determined by flawed model outputs and you should not expect us to acquiesce to such a decision.

Difference in Fishing Effort and Stock Conditions from Other California Regions

Many areas of the California coast are near very large population centers and have very calm ocean conditions for months at a time. Over-fishing has occurred in places like the California Channel

Islands and has lead to reduced species diversity, abundance and harvests. Significant conservation steps are needed in these areas where over-fishing is pervasive and closures of some areas can trigger huge increases in biomass and significant increases in species diversity (Lubchencko et al. 2007), but the benefit of such actions in areas not over-fished (Worm et al. 2007) can be much different (Hilborn 2006).

Hilborn et al. (2006) assert that many areas of the California coast where MPA arrays have been previously implemented are not overfished and that MLPA implementation will not protect fish stocks nor lessen fish harvest, only shift its location.

“Further, the perception that rocky bottom fishes are presently overfished is incorrect. The SAT apparently did not consider or seriously underestimated the conservation benefits afforded by areas protected by measures other than restrictive MPAs, or marine reserves. For many species, especially those with wide dispersal patterns, the other forms of protection (e.g. existing fishery management measures) are much more effective than MPA status. For example, the enactment of MPAs will have little effect on the annual take or abundance of most groundfishes because their management includes the use of annual quotas. Therefore, the annual take for these species will be the same with or without MPAs; but MPAs will determine where the fish are taken” (Hilborn et al. 2006).

If the effort shift away from MPAs is into important spawning or nursery areas, negative effects to fish populations and their abundance could occur.

Ecological and Economic Consequences of Poor MPA Site Selection

While the benefit of closing areas to fishing that are over-exploited is well recognized, results of establishing preserves in areas that are not over-fished do not necessarily increase biomass or diversity (Hilborn et al. 2006). In fact if areas included in MPAs are not essential for breeding or used extensively as a nursery, fishing effort no longer allowed there may shift to areas adjacent that may be spawning or juvenile fish recruitment areas. Furthermore, if the size of MPAs is insufficient, then benefits of additional recruitment into adjacent areas that remain open to fishing may not be accrued (Hilborn et al. 2006). Under this scenario one could decrease biomass, recruitment and catch.

We were concerned by the BRTF decision on the North Central Coast (NCC) region MLPAI “preferred alternative” that will lead to the closure of both Lighthouse Reef and Saunders Reef to the north and south of Pt. Arena. This is likely to result in loss of critical financial mass to support operation of the Point Arena Pier, which was built with a \$10 million federal grant. The City of Point Arena has 1500 residents and a 25% unemployment rate and the closure is another critical blow to both the local economic vitality and the quality of life for local residents. **If MPAs are implemented near fishing communities such as Ft. Bragg, Shelter Cove, Trinidad and Crescent City, similar economic consequences are likely to ensue. If most MPAs are sited near ports and gas prices rise to \$10 per gallon, then access to fish stocks could be cut off and citizens of the region deprived.**

North Coast has Indigenous People Inhabiting Aboriginal Territories

Native American harvest is not only an economic issue but also one of social justice. The North Coast has numerous Indian Tribes that inhabit their ancestral territories and have an unbroken

tradition of foraging and fishing on the North Coast that dates back thousands of years. Consequently, the loss of such rights disrupts their cultural traditions and abridges their right to traditional subsistence harvests guaranteed by Treaty Rights. The NCC MLP AI preferred alternative shuts access at Stewarts Point (within the Horseshoe Point SMR) to Pomo Indians and the residents, governments and tribes of the North Coast find this unacceptable and alarming. **We hope that the MLP AI will agree to a government to government consultation per the request of the National Congress of American Indians last month.**

Flaws in Economic Analysis

The current MLP AI doesn't consider sport fishing economic values, which are very high on the North Coast, and also does not take into account economic multipliers created by such things as processing, shipping and wholesale and retail seafood marketing. The lack of data and narrow focus of economic studies supporting the MLP AI means that the economic consequences of unjustified closure of commercial and sport fishing are grossly underestimated. In fact such closures would send ripple impacts through the retail sector, marinas and boat sales and maintenance as well as causing a major decline in tourism.

Blue Ribbon Task Force Authority

Governments and tribes of the North Coast have major reservations about your authority as previously stated in our letter to Secretary Crisman. Many of us are comforted that you have added our trusted governmental leader Supervisor Jimmie Smith and our former Assembly Person Virginia Strom-Martin. However, the original MOU that formed the BRTF states that up to 10 members can be seated. To really meet our regional comfort level you should have five North Coast residents. In the event that you override the concerns of those now seated to represent us capriciously, your decisions are not likely to be accepted without challenge.

Thanks again for the opportunity to address you and you or your staff should feel free to call me at any time.

Sincerely,



Patrick Higgins

References

Hilborn, R. 2006. Faith-based fisheries management. Fisheries Magazine. November 2006.

Hilborn, R., R. Parrish, and C. Walters. 2006. Peer review of California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals. May 25, 2006. Prepared for the California Fisheries Coalition, 1621 B Thirteenth Street, Sacramento, CA 95814. 65 p.

Lubchenco, J. S. Gaines, K. Grorud-Colvert, S. Airame, S. Palumbi, R. Warner, and B.S. Smith. 2007. The Science of Marine Reserves. Performed as part of the Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) in collaboration with the Communication Partnership for Science and the Sea. 24 p.

Worm, B., R. Hilborn, J.K. Baum, T.A. Branch, J.S. Collie, C. Costello, M.J. Fogarty, e.A. Fulton, J.A. utchings, S. Jennings, O.P. Jensen, H.K. Lotze, P.M. Mace, T.R. McClanahan, C. Minto, S.R. Palumbi, A.M. Parma, D. Ricard, A.A. Roseberg, R. Watson and D. Zeller. 2009. Rebuilding Global Fisheries. Science Magazine Vol. 325, Issue 578 (2009). DOI: 10.1126/science.1173146. 9 p.



Smith River Rancheria

140 Rowdy Creek Rd, Smith River, CA 95567-9525
Ph: (707) 487-9255 Fax: (707) 487-0930

RECEIVED BY
Office of the Secretary

DEC 02 2009

RESOURCES AGENCY OF CALIFORNIA

Kara Brundin
Miller
Chairperson

Denise Padgett
Vice Chairperson

Sharyne R. Harper
Council Secretary

Joel Bravo
Treasurer

Marian Lopez
Council Member

Loren Bommelyn
Council Member

Joseph Giovannetti
Council Member

Russ Crabtree
Tribal
Administrator

November 19, 2009

Mr. Ken Wiseman, Executive Director
MLPA Initiative
C/o California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Comments and Questions MLPA Initiative

Dear Mr. Wiseman:

Dv-laa-ha~, on November 18, 2009, the Smith River Rancheria staff and Tribal Council representatives attended the Blue Ribbon Task Force (BRTF) meeting in Eureka, California. Our first observation was the very limited timeframe provided to tribes and tribal leaders; which was not reflective of their unique status as leaders of Sovereign Nations. It was stated numerous times during the meeting that Tribes have a unique connection with the ecosystem and have been practicing stewardship of the aquatic environment and lands since time immemorial. These inherit responsibilities to the marine resources by tribal peoples are not being validated or given their justified consideration.

It is our strong held belief that if true voluntary government-to-government consultation is to take place without other state agencies forced to the table, then just consideration and time for valid dialogue must be provided to tribal leaders and their representatives. Nowhere, should it be or the position taken that these two minutes of public comments is adequate or shows proper respect for tribal positions regarding a state mandated initiative on tribes. In addition, never should the BRTF continue to view tribal leaders as simply the "general public". The BRTF will find that North Coast Tribes are well organized and will stand together to protect our inalienable rights to gathering, subsistence, and ceremonial customary uses of offshore and near-shore marine resources.

With the above stated, the Smith River Rancheria has several questions that were not allowed due to the inadequate comment timeframes. Given the fact that questions were not allowed during the public comment period we have the following written questions:

1. How does the MLPA process work in conjunction with the CEQA process? Who will be the lead agency during the CEQA review process?
2. Is it the intent to expand the size of existing Marine Parks and Marine Conservation areas, or to establish other parks or conservation areas within the North Coast Region?

*Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-ni
Our Heritage Is Why We Are Strong*

3. With respect to the preparation of the “preferred alternatives” in other regions (North Central, Central and Southern California), how were tribal interests addressed as to the protection of their cultural resources, which includes their traditional uses of the coastal lands? How will the protection of tribal interests in the North Coast Region be addressed?
4. On one of the maps created as part of the “North Coast Marine Information System” identifies “Areas of Water Quality Concern”. The map identifies significant (as in size) areas within the sub-regions as “critical areas”. Why are these large areas deemed “critical” with respect to the MLPA process? What is the intent or approach of the BRTF to address these critical areas as part of the MLPA process and the designation of marine protection areas? What is the scientific basis for the identification of these “critical areas?”
5. Towards the end of the BRTF’s initial meeting, the initiative staff was directed for the next meeting to prepare a full briefing on impacted tribal interests and rights, and how those interests and rights can be addressed during this process. There was an expression of willingness to revise the draft Master Plan to address tribal interests. How will the BRTF and its staff prepare for this briefing? Will there be an opportunity for tribal interests to consult with the initiative staff and assist them in the preparation of this briefing? Will the BRTF receive a briefing on Indian Law from a well-respected source?
6. How does the BRTF intend to work in earnest develop agreements that do not infringe or compromise Tribal Sovereignty?
7. Will the BRTF be willing to consider extending the timeframe for submitting external arrays? The current time frame does not allow ample time to create a quality array. We are waiting on substantial scientific data to incorporate in these arrays and will not receive this information until mid-December 2009. This gives working groups creating array proposals only a month to pull together all information necessary and required in the external array proposal. This process of creating external arrays should not be resource driven.
8. Who is preparing the “draft regional profile” and why is it being prepared, and then submitted to the Scientific Advisory Team? Shouldn’t the SAT be the entity preparing the profile?
9. During the October 30, 2009 meeting, the Science Advisory Team created a sub-group to address Native American issues. Will tribal leaders be able to participate in those meetings?

These reflect only the questions we currently have. I can assure you we will have additional questions as this process continues.

In closing, another area that emphasizes exactly the message tribal leaders provided to the BRTF during the public comment period is in your press release. Your announcement of the membership for the BRTF states, “The panel will work closely with scientists, fishermen, elected officials, conservationists, stakeholder and the public during this process”. It is an oversight to not mention tribes in this press release. We are requesting that each tribal government directly affected by these regulations in the North Coast District have a position on the Regional Stakeholder Group (RSG).

We are acutely aware of this process and we will engage by any means available to us to ensure tribal rights are honored and protected.

Sincerely,



Kara Brundin Miller
Tribal Chair

On Behalf of Tribal Council

cc: Mr. Zack Larson, Del Norte County
Del Norte Board of Supervisors
North Coast Tribal Coalition
Assemblyman Wes Chesbro

Assembly Concurrent Resolution No. 185

RESOLUTION CHAPTER 150

Assembly Concurrent Resolution No. 185—Relative to Native American tribal rights.

[Filed with Secretary of State September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 185, Battin. Native American tribal rights.

This measure would reaffirm state recognition of the sovereign status of federally recognized Indian tribes as separate and independent political communities within the United States, encourage all state agencies, when engaging in activities or developing policies affecting Native American tribal rights or trust resources, to do so in a knowledgeable, sensitive manner that is respectful of tribal sovereignty, and encourage all state agencies to continue to reevaluate and improve the implementation of laws affecting Native American tribal rights.

WHEREAS, The United States Constitution gives Congress the power “to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes” (Section 8, Article I, U.S. Const.) thus recognizing Native American tribes as separate and independent political communities within the territorial boundaries of the United States; and

WHEREAS, The United States Constitution has been construed to recognize Indian sovereignty by classifying Indian treaties as part of the “supreme law of the land,” and to establish Indian affairs as a unique area of federal concern; and

WHEREAS, Congress and the President of the United States have enacted measures that promote tribal economic development, tribal self-sufficiency, and a strong tribal government, such as the federal Indian Gaming Regulatory Act (25 U.S.C. Sec. 2701 and following); and

WHEREAS, Previous presidents have consistently affirmed tribal sovereignty and, thus, the rights of Indian nations in the following ways: President Lyndon B. Johnson recognized “the right of the first Americans ... to freedom of choice and self-determination”; President Nixon strongly encouraged “self-determination” among the Indian people; President Reagan pledged “to pursue the policy of self-government” for Indian tribes and reaffirmed “the government-to-government basis” for dealing with Indian tribes; and President Bush recognized that the federal government’s “efforts to increase tribal self-governance have brought a renewed

sense of pride and empowerment to this country's native peoples"; and

WHEREAS, The Legislature of the State of California is committed to strengthening and assisting Indian tribal governments in their development and to promoting Indian self-governance; and

WHEREAS, The Legislature supports and is committed to the enforcement of the Indian Civil Rights Act of 1968 (25 U.S.C. Sec. 1301 and following), which safeguards tribal sovereignty while simultaneously ensuring that the civil rights of Indian people are protected; and

WHEREAS, Because the Legislature recognizes and respects tribal customs and traditions, it is important that the state government work to preserve tribal cultures; and

WHEREAS, The Legislature acknowledges that tribal governments now are able to provide tribal members with better health care services, education, job training, employment opportunities, and other basic essentials; and

WHEREAS, The Legislature further recognizes that tribal governments have been generous benefactors—helping their neighbors in making California communities as good as they can be; and

WHEREAS, The people of the State of California overwhelmingly indicated their support for Indian sovereignty through the passage of Proposition 5, the Tribal Government Gaming and Self-Sufficiency Act of 1998, by a vote of 63 percent at the November 3, 1998, general election and Proposition 1A, the Gambling on Tribal Lands Initiative, by a vote of 64.5 percent at the March 20, 2000, primary election; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California reaffirms state recognition of the sovereign status of federally recognized Indian tribes as separate and independent political communities within the territorial boundaries of the United States, encourages all state agencies, when engaging in activities or developing policies affecting Native American tribal rights or trust resources, to do so in a knowledgeable, sensitive manner that is respectful of tribal sovereignty, and, in recognizing their tribal sovereignty, encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect Native American tribal rights; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to all federally recognized tribes in California, Members of Congress, and the President of the United States.